

Senate Bill 533

By: Senators Chance of the 16th, Hawkins of the 49th, Chapman of the 3rd, Rogers of the 21st, Staton of the 18th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 10 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated,
2 relating to fish and other seafoods, so as to provide for certain regulations regarding seafood;
3 to require certain disclosures; to provide for definitions; to provide for violations; to provide
4 for penalties for said violations; to provide for injunction under certain circumstances; to
5 make certain conforming amendments; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 10 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to fish
10 and other seafoods, is amended by designating the existing provisions of said article as "Part
11 1" of said article and by adding a new part to read as follows:

12 "Part 2

13 26-2-321.

14 As used in this part, the term:

15 (1) 'Aquaculture' means the farming of aquatic animals and aquatic plants.

16 (2) 'Commissioner' means the Commissioner of Agriculture.

17 (3) 'Direct retail sale' means the sale of seafood individually or in small quantities
18 directly to the consumer.

19 (4) 'Distributor' means any person offering for sale, exchange, or barter any seafood
20 destined for direct retail sale in Georgia.

21 (5) 'Processor' means any person engaged in handling, storing, preparing, manufacturing,
22 packing, or holding seafood.

23 (6) 'Retailer' means any person offering for sale seafood to individual consumers and
24 representing the last sale prior to human consumption.

(7) 'Seafood' means all fresh, frozen, or canned fish and shellfish, such as shrimp, oysters, clams, scallops, lobsters, crayfish, and other similar fresh, frozen, or canned edible products from any other marine creatures, including but not limited to shark and squid.

26-2-322.

No seafood shall be offered for direct retail sale for human consumption by a restaurant or other eating establishment unless the seafood is identified on the menu:

(1) As 'farm-raised' if the seafood has been produced through aquaculture; and

(2) As 'imported from (name of country)' if the seafood was imported into the United States from another country.

26-2-323.

(a) No seafood shall be offered for wholesale or retail sale for human consumption by a processor, distributor, or retailer unless the seafood is specifically labeled:

(1) As 'farm-raised' if the seafood has been produced through aquaculture;

(2) As 'imported from (name of country)' if the seafood was imported into the United States from another country.

(b) Any retailer selling seafood not wrapped or in a container may comply with this part by placing a sign on the display case or refrigeration unit so that the sign is reasonably visible to the consumer and contains the information otherwise required on the label.

26-2-324.

Any advertising as to the restaurant or retail sale of any seafood shall state whether the seafood is farm-raised or imported from another country and if the seafood is imported shall name the country of origin.

26-2-325.

For purposes of this part, seafood is imported from another country if it is either:

(1) Shipped to this country from any other country; or

(2) Caught or harvested in whole or in part in another country or in the territorial waters of another country.

26-2-326.

All persons selling seafood within this state that are regulated by this part shall preserve and maintain all records of their purchases and sales of seafood for a period of two years

1 after such purchases and sales have occurred. If such records are not kept on the premises,
2 then such person has 14 days to produce the records.

3 26-2-327.

4 (a) The Commissioner shall be authorized to promulgate any valid rule or regulation for
5 the purpose of implementing this part.

6 (b) Any person who violates any provision of this part shall be guilty of a misdemeanor
7 and, upon conviction, shall be punished by imprisonment for not less than 30 days nor
8 more than six months or by a fine of not less than \$50.00 nor more than \$500.00, or by
9 both fine and imprisonment, in the discretion of the court.

10 (c) No person shall be subject to penalties pursuant to this Code section for receiving for
11 transportation any seafood in violation of this part if the receipt was made in good faith
12 unless the person refuses to furnish on request of a representative of the Commissioner the
13 name and address of the person from whom he or she received the seafood and copies of
14 all documents, if there are any, pertaining to the delivery of the seafood to him or her.

15 (d) Notwithstanding the existence of other remedies at law, the Commissioner is
16 authorized to apply for and the court is authorized to grant a temporary or permanent
17 injunction restraining any person from violating or continuing to violate any of the
18 provisions of this part or any rule or regulation promulgated under this part."

19 **SECTION 2.**

20 Said article is further amended by replacing "article" with "part" wherever the former occurs
21 in:

22 (1) Code Section 26-2-310, relating to definitions regarding fish and other seafoods;

23 (2) Code Section 26-2-311, relating to administration by the Commissioner of
24 Agriculture;

25 (3) Code Section 26-2-312, relating to wholesale fish dealers' licenses;

26 (4) Code Section 26-2-319, relating to allocation of license fees; and

27 (5) Code Section 26-2-320, relating to penalty for violating article.

28 **SECTION 3.**

29 All laws and parts of laws in conflict with this Act are repealed.